

# **THE WEST BENGAL BOARD OR MADRASAH**

## **EDUCATION ACT, 1994**

### **(WEST BENGAL ACT, XXXIX OF 1994)**

#### **[Passed by the West Bengal Legislature]**

**(Assent of the Governor was first published in the Calcutta Gazette, Extraordinary, of the 8th August, 1994)**

### **An act to establish at Board of Madrasah Education in West Bengal and to provide For matter connected there with or incidental thereto.**

WHEREAS it is expedient to establish a Board of Madrasah Education in West Bengal and to provide for matters connected therewith or incidental thereto

It is hereby enacted in the Forty-fifth Year of the Republic of India, by the Legislature of West Bengal, as follows :

- CHAPTER 1 : Preliminary
- CHAPTER 2 : THE BOARD
- CHAPTER 3 : Committees of the Board
- CHAPTER 4 : Powers and Functions of the -Board and the President
- CHAPTER 5 : Meetings
- CHAPTER 6 : Finance and Audit
- CHAPTER 7 : SUPPLEMENTAL PROVISIONS

#### **Chapter 1 : Preliminary**

##### **Short title, extent and commencement**

1. (1) This Act may be called the West Bengal Board of Madrasah Education Act, 1994.
- (2) It extends to the whole of West Bengal.
- (3) It shall come into, force on such date as the State Government may, by notification, appoint.

##### **Definitions-**

2. In this Act, unless the context otherwise requires—
  - (a) "Board" means the West Bengal Board of Madrasah Education established under this Act
  - (a) "Board" means the West Bengal Board of Madrasah Education established under this Act
  - (b) "Head of Madrasah" means the head of the teaching staff or a Madrasah, by whatever name he or she may be designated
  - (c) "High Madrasah" means a Madrasah where the High Madrasah Education System is following
  - (d) "Institution" means a Madrasah
  - (e) "Junior High Madrasah" means a High Madrasah up to middle level
  - (f) "Madrasah" means as educational institution imparting instruction in Madrasah Education
  - (g) "Madrasah Education" means a system of education in which instruction is imparted in Arabic. Islamic history and culture, and theology, ad includes:-
    - (i) High Madrasah Education System which, in addition to covering Arabic: language al Islamic history and culture, imparts general education above primary education stage % with a view to qualifying students for admission to a certificate, diploma or degree course

instituted by a University or by a government or by any statutory authority, it includes such other type of education as the State Government may, in consultation with the Board, specify

(ii) Senior Madrasah Education System which imparts instruction in Arabic language and literature, Islamic theology, history, culture and jurisprudence and some general education with a view to qualifying students for a certificate diploma or degree of the Board or a University or a Government or any other statutory authority , .

(h) "Managing Committee" used in reference to an- Institution means the person or the body of persons for the time being entrusted with the, management of the affairs of institution

(i) "notification" means a notification published in the Official Gazette;

(j) "Prescribed" means prescribed by rules made under this Act .

(k) "President" means the President of the Board

(l) "Primary Education" means education imparted in a primary school as defined in any Bengal Act or West Bengal Act or education equivalent thereto

(m) "recognized" with its grammatical variations, used with reference to a Madrasah, means recognised under this Act or by the West Bengal Madrasah Education Board constituted by the State Government before the commencement of this Act

(n) "regulation" means a regulation made by the Board under this act

(n) "regulation" means a regulation made by the Board under this act

(o) "rule" means a rule made by the State Government under this Act

(p) "Senior Madrasah" means a Madrasah where the Senior Madrasah Education System is followed.

## **Chapter 2 : THE BOARD**

### **Establishment and incorporation of the Board—**

3. (1) The State Government shall, as soon as may be after this Act comes into force, establish a Board to be called the West 'Bengal Board of Madrasah Education.

(2) The Board shall be a body corporate with perpetual succession and a common seal, shall be entitled to acquire, hold and dispose of property, to enter into contracts and to do all other things necessary for the purposes of this Act, and shall by its name sue and be sued.

### **Composition of the Board-**

4. The Board shall consist of the following members

(a) the President

(b) the President Of the West Bengal Council of Higher Secondary Education, ex- officio

(c) the President of the West Bengal Board of Secondary Education, ex-officio;

(d) the President of the West Bengal Board of Primary Education, ex-officio;

(e) the Director of School Education, Government of West Bengal, ex-officio;

(f) the Head of the Department of Arabic, Calcutta University, ex-officio;

(g) the Principal, Calcutta Madrasah, ex-officio;

(h) two heads of recognized Madrasahs—one High Madrasah and one Senior Madrasah—nominated by the State Government

(h) two heads of recognized Madrasahs—one High Madrasah and one Senior Madrasah—nominated by the State Government

(i) two members of the West Bengal Legislative Assembly nominated by the State Government

(j) three persons nominated by the State Government of whom-

(i) one shall be a wholetime member of the teaching staff of a college imparting instruction in Arabic or Persian language and affiliated to any University in West Bengal,

(ii) one shall be an expert in Islamic Culture and Theology, and

(iii) one shall be a woman interested in Madrasah Education

(k) ten wholetime and permanent members of the teaching staff of recognized Madrasahs—five from High Madrasahs, three from Senior Madrasahs and two from Junior High Madrasahs—elected in the manner prescribed

(I) two persons from the wholetime and permanent non-teaching staff of recognized Madrasahs elected in the manner prescribed

(m) one person from the wholetime and permanent staff of the Board elected in the manner prescribed.

#### **Appointment in default of election-**

5. (1) If by such date as may be prescribed, any of the authorities, other than the State Government, fails to elect or nominate a member or members as provided in section 4, the State Government shall appoint member or members qualified for election or nomination by such authority

Provided that in the case of the State Legislative Assembly, if the said Assembly has been dissolved; the State Government shall appoint a suitable person to be a member to hold office until the said Assembly is reconstituted and a member is duly nominated.

(2) A person appointed under this section shall be deemed to be a member duly elected or nominated under section 4.

#### **Publication of the names of elected, nominated or appointed members of the Board-**

6. The name of every person elected or nominated under section 4 or appointed under section 5 as a member of the Board shall be published in the Official Gazette as soon as may be after the election, nomination or appointment, as the case may be.

#### **Term of office of members of the Board-**

7. (1) Subject to the provisions of this Act, every elected, nominated or appointed member of the Board shall hold office for a term of four years from the date of publication of his or her name under section 6 and may, on expiration of such term, be re-elected, re-nominated or re-appointed.

(2) Notwithstanding the expiration of the term of four years specified in sub-section(I), an elected, nominated or appointed member of the Board shall continue to hold office until the vacancy caused by the expiration of the said term has been filled in accordance with the provisions of this Act.

#### **Casual vacancies-**

8. If any member dies or resigns his office or ceases to be a member for any other reason, the vacancy shall be filled up by a fresh nomination or election under section 4, and the member so elected or nominated shall hold office for the unexpired portion of the term of the member whose place he fills.

#### **Appointment, term of office, salary and allowances of the President-**

9. (1) The President shall be appointed by the State Government.

(2)The term of office of the President shall be for five years.

(3)The President shall cease to hold office if, at any time, he becomes subject to any of the disqualifications referred to in sub-section (I) of section 11.

(4)The President may resign his office by giving notice in writing to the State Government and, on acceptance of such resignation by the State Government, the President shall be deemed to have vacated his office.

(5)The President shall receive such salary and allowances, if any, from the West Bengal Board of Madrasah Education fund as the State Government may determine.

#### **Temporary and acting arrangement for the office of the President-**

10. If the President dies or resigns his office or ceases to hold office or is temporarily absent, the State Government shall authorise a member of the Board to exercise the powers and perform the duties of the office of the President until the President resumes office or a new President is appointed, as the case may be.

#### **Disqualification for membership—**

11. (1) A person shall be disqualified for being elected, nominated or appointed as member of the Board if he—

(a) has been adjudged by a competent court to be of unsound mind

(b) is an undischarged insolvent

- (c) being a discharged insolvent, has not obtained from the court a certificate that his insolvency was caused by misfortune without any misconduct on his part
- (d) has been convicted by a court of an offence which is declared by the State Government to be an offence involving moral turpitude. unless
  - (i) such disqualification is condoned by the State Government, or
  - (ii) the term of his sentence of imprisonment or a period of five years from the date of his conviction whichever is longer, has expired
- (e) directly or indirectly, by himself or his partner. —
  - (i) has or had any share or interest in any text-book approved by the Board, or published by or under the authority of the Board, or
  - (ii) has any interests in any work done by order of, or in any contract entered into on behalf of the Board

Provided that a person who had any share or interests in any text-book referred to in sub-clause (i) shall not be deemed to have incurred the disqualification under the said sub-clause if five years have elapsed from the date of the publication or republication of such text-book.

2) If an elected; nominated or appointed member of the Board becomes after his election, nomination, or appointment, he may be, subject to any of the disqualifications specified in sub-section (1.); his membership shall thereupon cease with effect from such date as the State Government may direct.

### **Disputes relating to the eligibility or manner of election of members-**

12. (1) If any question arises relating to—

- (i) the eligibility of any person for election as a member of the Board or of any Committee under this Act, or
- (ii) the manner in which any such election has been held, or
- (iii) the disqualification of any member of the Board, or of any Committee, continuing as such member.

Such question shall be referred for decision to a tribunal consisting of a judicial officer not below the rank of a District Judge or an Additional District Judge, appointed by the State Government,

(2) The procedure to be followed by the Tribunal shall be such as may be prescribed.

(3) The decision of the Tribunal under sub-section (1) shall be final and no suit or proceeding shall lie in any Civil or Criminal Court in respect of any matter which has been or may be referred to, or has been decided by, the Tribunal under that sub-section.

### **Resignation and removal of members-**

13. (1) An elected; nominated or appointed member of the Board may resign his seat by giving notice at least for one month in writing to the President, and when such resignation is accepted by the Board, such member shall be deemed to have vacated his seat.

(2) The State Government may, by notification, and after giving the member concerned an opportunity of being heard, remove any elected, nominated or appointed member of the Board if, without obtaining the consent of the President, he is absent, from three consecutive meetings of the Board.

### **Conduct of meetings-**

14. The President or, in his absence, one of the members of the Board elected from amongst those present shall preside at the meetings of the Board, and the president or such member shall be entitled to vote on any matter and shall have a second or casting vote in every case or equality of votes.

### **Restriction on Voting-**

15. (1) No member of the Board shall vote on any matter in which he has any personal or pecuniary interest or if it relates to any Institution of which he is either a teacher or a member of the Managing Committee.

(2) The President or the member presiding at a meeting of the Board shall decide any question arising under sub-section (1), and his decision thereon shall be final,

### **Person in the service of the Board-**

16. (1) The Board shall have a Secretary who shall be appointed by the State Government.
- (2) The Board may appoint such other officers and employees as it considers necessary for carrying out the purposes of this Act.
- (3) The method of recruitment and the conditions of service (including the scales of pay and allowances, if any) shall,—
- (a) as respects the Secretary, be such as may be prescribed, and
- (b) as respects the other officers and employees, be such as may, subject to the approval of the State Government, be determined by regulations published in the Official Gazette.
- (4) Subject to the general control and supervision of the President, the Secretary shall be the principal administrative officer of the Board. He shall be entitled to attend and speak at any meetings of the Board, but shall not be entitled to vote.

#### **Travelling allowance-**

17. Such members of the Board or of any Committee constituted under this Act as are not in the service of the State Government shall, in respect of expenses incurred by them in attending meetings of the Board or of any such Committee or in exercising any powers or performing any duties conferred or imposed upon them by or under this Act, be paid by the Board such allowances and at such rates as may be prescribed.

### **Chapter 3 : Committees of the Board**

#### **Constitution of Committees-**

18. (1) As soon as the Board is established, the Board may, with the approval of the State Government, constitute any or more of the following, committees namely
- (a) the Recognition Committee
- (b) the Syllabus Committee
- (c) the Examinations Committee
- (d) the Finance Committee
- (e) the Appeal Committee ; and
- (f) such other Committee or Committees as it may think necessary.
- (2) Each of the Committees referred to in clauses (a) to (d) and (f) of sub-section (1) shall be composed of the President as its Chairman and wholly, or partly, of members of the Board, and the total number of members of such Committee including the President shall not exceed nine.
- (2) Each of the Committees referred to in clauses (a) to (d) and (f) of sub-section (1) shall be composed of the President as its Chairman and wholly, or partly, of members of the Board, and the total number of members of such Committee including the President shall not exceed nine.
- (3) The Appeal Committee shall be composed of not more than seven members- of whom one shall be a person who holds or has held the office of a Judge, not below the rank of an Additional District Judge to be nominated by the State Government as the Chairman, and such number of other members as the Board thinks fit shall be the members of the Board.
- (4) The Secretary to the Board shall act as the secretary to each such Committee.

#### **Functions of Committee-**

19. (1) It shall be the duty of the Recognition Committee to advise the Board on all matters concerning recognition of institutions.
- (2) It shall be the duty of the Syllabus Committee to advise the Board on all matters- relating to the syllabus, courses of studies to be followed and the books to be studied in recognized institutions and for examinations instituted by the Board.
- (3) It shall be the duty of the Examinations Committee to advise the Board on
- (a) matters relating to selection of paper setters, moderators, tabulators, examiners-, invigilators, supervisors and others to be employed in connection with examinations instituted by the Board and the rates of remuneration to be paid to him
- (b) the fees to be paid by candidates for such examinations ; and
- (c) any other matter relating to such examinations which may be referred to it by the Board for advice.

(4) It shall be the duty of the Finance Committee to prepare the budget of the Board and to advise the Board on such matters relating to finance as may be referred to it by the Board for advice.

(5)(a) All appeals by the members of the teaching and non-teaching staff against the decisions of the Managing Committee of the recognized institutions shall be heard and decided by the Appeal Committee.

(b) The decisions of the Appeal Committee under clause (a) shall be final and no suit or proceeding shall lie in any Civil or Criminal Court in respect of any matter which has been or may be referred to, or has been decided by, the Appeal Committee.

(6) Any other Committee or Committees that may be constituted under clause (f) of subsection (I) of section 18 shall have such powers or functions as the Board may confer or impose on such Committee or Committees.

## **Chapter 4 : Powers and Functions of the -Board and the President**

### **Functions of the Board-**

20.(1) It shall be the duty of the Board to advise the State Government on all matters relating to Madrasah Education referred to it by the State Government.

(2) Subject to any general or special orders of the State government, the provisions of this Act and any rules made thereunder, the Board shall have generally the power to direct, supervise and control Madrasah Education and in particular, the power—

(a) to grant or refuse recognition to Madrasah and to withdraw such recognition if it thinks fit and necessary, after considering the recommendations of the Recognition Committee in accordance with such regulations as might be made in this behalf :

(b) to maintain a register of recognized Madrasahs

(c) to provide by regulations, after considering the recommendations of the Syllabus Committee, if any, the curriculum, syllabus, courses or studies to be followed and books to be studied in recognized Madrasahs for examinations instituted by the Board

(d) to undertake, if necessary, with the approval of the State Government, the preparation, publication or sale of text-books and other books for use in recognized Madrasahs

(e) to maintain and publish, from time to time, list of books approved for use in recognized Madrasahs and for examinations instituted by the Board and to remove the name or any such book from any such list

(f) to institute various Madrasah Examinations and such other similar examinations as it may think fit and to make regulations in this behalf:

(g) to make regulations regarding the conditions to be fulfilled by the candidates presenting themselves for examinations instituted by the Board

(h) to provide by regulations after considering the recommendations of the Examinations Committee, if any, the rates of remuneration to be paid to the paper-setters, moderators, tabulators, examiners, invigilators, supervisors and others employed in connection with the examinations instituted by the Board, and, the fees to be paid by candidates for such examinations with the approval of the State Government

(i) to grant or refuse permission to candidates to appear at examinations instituted by the Board and to withdraw such permission if it thinks fit in accordance with such regulations as may be made in this behalf

(j) to provide by regulations the procedure for filing and disposal of appeals by the members of the teaching and non-teaching staff against the decisions of the Managing Committee of recognized Madrasahs

(k) to administer the West Bengal Madrasah Education Board Fund

(l) to institute and administer such Provident Funds as may be prescribed

(m) to make regulations relating to the conduct, discipline and appeal in respect of the members of the staff ;

(I) to make regulations relating to conduct and discipline in respect of teachers and non-teaching staff of the recognized Institutions under the Board

(II) to make regulations determining 'time qualification for, and the method of, recruitment of teachers in class I to class IV of the Senior Madrasah

(n) to perform such other functions as may be assigned to it by the State Government.



(3) Subject to the provisions of sub-section (2), the Board shall have power to make regulations in respect of any matter for the proper exercise of its powers under this Act.

(4) No regulation shall be valid unless it is approved by the State Government and the State Government may, in accordance with such approval, make such additions, alterations or modifications therein as it thinks fit

Provided that before making any such addition, alteration or modification, the State Government shall give the Board an opportunity to express its views thereon within such period, not exceeding one month, as may be specified by the State Government.

(5) All regulations approved by the State Government shall be published in the Official Gazette.

I. Clause (in) and (11) of SUh-Sect1011 (2) or section 20 has been added to the West Bengal Board of Secondary Education (Amendment) Act, 2005 ('W. B. Act, XI of 2005).

### **Power and duties of the President-**

21.(1) The President shall be responsible for carrying out, and giving effect to, the decisions of the Board and of any Committee constituted under this Act.

(2) The President may, in any emergency, exercise any other powers of the Board, provided, however, that he shall not act contrary to any decision of the Board and shall, as soon thereafter as may be, report to the Board the action taken by him together with the reason therefor.

(3) The President shall—

- (a) exercise general supervision over the Secretary, the other officers and employees appointed by the Board, and post and transfer the members of the staff ;
- (b) sanction all claims of travelling allowances ; and ...
- (c) take such other action not inconsistent with any decisions of the Board as he considers necessary for the proper functioning of the Board under this Act.

## **Chapter 5 : Meetings**

### **Meetings of the Board-**

22. (1) The annual meeting of the Board shall be held in the month of July each year.

(2) The Board shall meet at such other times, not less than four times a Year, as may be appointed by the President.

(3) The President shall, except in the case of an emergency meeting referred to in sub-section (6), give to each member not less than seven days' notice of each meeting including the annual or a special meeting

Provided that the President shall, on receipt of a requisition signed by not less than ten members of the Board, call a meeting within fifteen days from the date of receipt of such requisition, and no business, other than that on account of which the requisition has been received, shall be transacted at such a meeting.

(4) On receipt of a requisition signed by not less than six members of the Board, the President shall place before a meeting of the Board for discussion any decision of any Committee constituted under this Act to which such requisition relates, and the Board may revise any such decision if not less than two-thirds of the total number of members of the Board are in favour of such revision.

(5) No matter which has been decided by the Board shall, within the period of six months from the date of such decision, be reconsidered except at a special meeting of the Board convened for the purpose upon the requisition of ten members and unless not less than two-thirds of the total number of members of the Board vote in favour of such reconsideration.

(6) In case of an emergency, the President may call a meeting, after giving not less than clear two days' notice thereof.

(7) No business shall be transacted at any meeting of the Board unless a quorum of ten members is present.

### **Meetings of Committee—**

23. The Board shall make regulations relating to meetings of any Committee constituted under this Act and the procedure to be followed at such meetings.

## **Chapter 6 : Finance and Audit**

### **Annual report and budget estimate-**

24.(1) The President shall place before the annual meeting of the Board held in the year following the year in which it is constituted and before every annual meetings thereafter a report on the working of the Board during the last preceding financial year.

(2) The report shall be forwarded to the State Government within one month of the presentation thereof before the annual meeting of the Board together with such comments thereon as the Board may think fit to make.

(3)(a) The Board shall hold a special meeting by the 31st October of every financial year and the President shall place before the said meeting a budget estimate showing, in such form as may be prescribed, the anticipated income and expenditure of the Board for the next financial year.

(b) The budget estimate as aforesaid shall, after confirmation by the Board, be forwarded to the State Government by the 30th November of the financial year in which the special meeting referred to in clause (a) is held.

(4)(a) The State Government shall, within two months of the receipt of the budget estimate, either accord its approval to the same or return it to the Board with such comments and suggestions as it deems necessary if, in its opinion, such estimate—

(i) is not reasonably accurate with reference to ascertainable facts or shows a deficit in the closing balance

(ii) includes new items of recurring expenditure which are likely to impose upon the Board in future financial liabilities which the Board is not likely to be able to meet from its income ; or

(iii) includes provisions for expenditure which are not in accordance with the provisions of this Act.

(b) If budget estimate is returned under clause (a), the Board shall consider the comments and suggestions made by the State Government and may, if it thinks fit, revise the said estimate. The Board shall, then, resubmit the budget estimate as so revised to the State Government, or the Board shall, if it does not think fit to revise the estimate, resubmit it in its original form to the State Government within one month of receiving it together with its replies on the comments and suggestions made by the State Government.

(c) If the State Government does not approve of the budget estimate as revised by the Board or if the budget estimate is returned by the Board without revision, the State Government may amend the budget estimate by making

(i) such modifications as are, in its opinion, necessary to render the estimate reasonably accurate with reference to ascertainable facts or to balance the income and expenditure,

(ii) additions, alterations or modifications in any provision relating to new expenditure of a recurring nature,

(iii) any alteration or modification in any provision for expenditure which, in its opinion, is not in accordance with the provisions of this Act, and shall forward the budget estimate as so amended to the Board.

(5) If the State Government does not accord its approval to the budget estimate under clause (b) of sub-section (3) within two months of the receipt thereof, or if the State Government does not communicate its approval of the budget estimate to the Board under clause (c) of sub-section (4) within the 31st March of the financial year immediately preceding the financial year to which the budget estimate relates, the budget estimate as forwarded to the State Government by the Board under clause (b) of sub-section (3) or as resubmitted to the State Government by the Board under clause (b) of sub-section (4), as the case may be, shall be deemed to have been approved by the State Government and shall be the budget estimate of the Board for the financial year to which it relates.

### **Payment to the Board by the State Government-**

25. The State Government may, after considering the budget estimates, the accounts of the Board and such other reports as it may call for, make such annual or periodical grants to the Board as it may think fit

Provided that on the establishment of the Board and before the first budget estimate is forwarded to the State Government, it may, after considering such report as it may call for from the Board, make such initial grant to the Board as may be considered necessary.



## **West Bengal Madrasah Education Board Fund**

26.(1) The Board shall have a Fund to be called the West Bengal Board of Madrasah Education Fund to which shall be credited—

- (a) all sums which may be paid by the State Government under section 25
- (b) all fees realised under any of the provisions of this Act
- (c) all sums representing income from endowments or from property owned or managed by the Board ; and
- (d) all other sums received by or on behalf of the Board from any other source whatsoever.

(2) The Fund shall vest in the -Board and shall be under its control and shall be held by it in trust for the purposes of this Act.

(3) All money payable to the credit of the Fund shall forthwith be paid into the Reserve Bank of India or into the State Bank of India or any branch thereof or into the United Bank of India or any branch thereof to the credit of the Fund, and all cheques drawn on the Fund shall be signed by the President or by such other person as he may authorise in writing in this behalf.

### **Application of the West Bengal Board of Madrasah Education Fund-**

27. No expenditure shall be incurred from the Fund except for the purposes of this Act and unless such expenditure is provided for in the budget as approved under this Act or can be met by reappropriation sanctioned in the prescribed manner.

### **Accounts-**

28. The Board shall keep an account of all its receipts and expenditure in the manner prescribed.

### **Audit-**

29.(1) The accounts of the Board shall be examined and audited annually in such manner as may be prescribed by an auditor or auditors appointed by the State Government.

(2) For the purpose of examination and audit under sub-section (1), an auditor appointed under that sub-section may—

- (a) require in writing the production before him of any document relating to the Board or the assets thereof which he considers to be necessary for the proper conduct of the audit
- (b) require in writing the personal appearance before him of any person . accountable for, or having the custody or control of, any such document to answer any question relating thereto : and
- (c) require any person so appearing before him to submit a statement in writing in respect of any such document.

(3) It shall be the duty of the Board and of every member thereof, and of the Secretary and the members of the staff in the service of the Board to afford to the auditor every facility for the examination and audit of the accounts of the Board and to comply with any requisition made by the auditor under sub-section (2). and with the requirement of any rule made in this behalf.

(4) Any person who wilfully neglects or refuses to comply with a requisition made under sub-section (2) or with the requirement of any Rule made in this behalf shall, on conviction, be punishable with fine which may extend to one hundred rupees.

(5) No complaint in respect of any officer punishable under, sub-section (4) shall be made except with the previous sanction of the State Government.

(6) No Magistrate other than a Judicial Magistrate of the first class shall try an offence under sub-section (4).

### **Audit Report-**

30.(1) Not more than fourteen days after completion of the audit the auditor shall submit to the State Government a report on the accounts audited, and shall send a copy thereof to the Board which shall forward it to the State Government together with its observations thereon.

(2) The State Government shall take such action on the audit report as it thinks fit.

## **Chapter 7 : SUPPLEMENTAL PROVISIONS**

### **Board to furnish information-**

31. The Board shall furnish to the State Government such reports, returns and statements as may be prescribed, and such further information on any matter relating to the Board as the State Government may require.

### **Power of State Government to suspend proceedings-**

32. The State Government may, by order in writing specifying the reasons thereof, suspend the execution of any resolution or order of the Board or any Committee constituted under this Act and prohibit the doing of any act which purports to be done or intended to be done under this Act, if the State Government is of opinion that such resolution, order or act is in excess of the powers conferred by or under this Act upon the Board or the Committee, as the case may be.

### **Certain persons to be deemed to be public servants**

33. The members of the Board and of every Committee constituted under this Act, persons in the service of the Board and any person appointed under this Act to audit the accounts, of the Board shall be deemed to be public servants within the meaning of section 21 of the, Indian Penal Code.

### **Indemnity—**

34. No suit, prosecution or other legal proceeding whatever shall lie against any person for anything done in good faith and intended to be done under this Act.

### **Power of Tribunals-**

35. A Tribunal appointed under this Act shall have all the powers of a Civil Court for the purposes of receiving evidence, administering oaths, and enforcing the attendance of witnesses and compelling the discovery and production of documents and shall be deemed to be a Civil Court within the meaning of sections 345 and 346 of the Code of Criminal Procedure, 1973.

### **Saving-**

36. No act or proceeding taken under this Act shall be invalid on the ground merely of—

- (a) the existence of any vacancy in, or defects in the initial or subsequent constitution of, the Board or any Committee constituted under this Act.
- (b) any member of the Board having voted on any matter in contravention of the Provisions of section 15, or
- (c) any defect or irregularity not affecting the merits of the case.

### **Transitory Provisions-**

37.(1) The President shall make the first regulations for the purposes of this Act.

- (2) The first regulations shall remain in force for a period of one year or until regulations are made by the Board under the provisions of this Act, whichever is earlier.

### **Power to make rules-**

38. (1) The State Government may, after previous publication, make rules for carrying out the purposes of this Act.

- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely
  - (a) the acquisition, possession and disposal of property by the Board, the conditions of such acquisition, possession and disposal, and performance by the Board of any function referred to in sub-section (2) of section 3
  - (b) the manner of election of the members of the Board specified in clause (k), (l) and (m) of section 4
  - (c) the composition, powers and functions of the Managing Committee of Institutions
  - (d) the procedure to be followed by a Tribunal in deciding on questions referred to in sub-section (1) of section 12
  - (e) the method of recruitment, the terms and conditions of service including the scales of pay and the rules of discipline relating to the Secretary of the Board

- (f) the rates at which the Board shall pay travelling allowance to the persons referred to in section 17
- (g) the Provident Fund referred to in clause (1) of sub-section (2) of section 20 as may be instituted and administered by the Board
- (h) the form in which the budget estimate of the Board, as referred to in clause (a) of sub-section (3) of section 24, shall be prepared
- (i) the manner in which all payments to and from the West Bengal Board of Madrasah Education Fund shall be made
- (j) the manner of reappropriation under section 27
- (k) the manner and form in which accounts of receipts and expenditure shall be kept under section 28
- (l) the manner in which examination and audit of the accounts of the Board shall be made
- (m) the reports, returns and statements to be furnished by the Board under - section 3 I and the forms of such reports, returns and statements
- (n) any other matter required to be prescribed or provided or made by rules.

**Repeal, saving and validation.—**

39. (1) The resolution made under notification No. 211—Education, dated the 2nd February, 1973, by the State Government constituting the West Bengal Madrasah Education Board (hereinafter referred to as the former Board) is hereby repealed.

(2) Upon such repeal,—

- (a) all property and assets under the control of the former Board and all rights, liabilities and obligations acquired or incurred by the former Board before the commencement of this Act shall vest in the Board in accordance with such order as the State Government may make in (his behalf)
- (b) all legal proceedings or remedies instituted or enforceable by or against the former Board before the commencement of this Act may be continued or enforced, as the case may be, by or against the Board as established under this Act or, until the Board is so established, by or against such officer or authority as the State Government may by order specify
- (c) all officers and other persons in the employ of the former Board immediately before the commencement of this Act shall, until other provision is made, continue in the service of the Board
- (d) all recognized Madrasahs shall be deemed to have been recognized under this Act until the expiration of the period of recognition, subject, however, to the power of the Board, to withdraw recognition in accordance to the provisions of this Act ; and
- (e) all syllabuses, courses of studies and text-books in force shall, until- other provision is made under this Act, continue to be followed.

**Board to be guided by directions of the State Government-**

40. The Board shall, in exercising its powers and performing its duties under this Act, be guided by such directions as the State Government may, by notification, give from time to time regarding the scope and content of Madrasah Education.

**Supersession of the Board-**

41. (1) If in the opinion of the State Government, the Board—

- (a) has persistently made default in the performance of duties imposed on it, or
- (b) has exceeded or abused its powers, the State Government may, by an order published in the Official Gazette and stating the reasons therefor, supersede the Board for such period, not exceeding two years, as may be specified in the order, and take such steps as may be necessary to re-establish the Board immediately on the expiry of the period of supersession.

(2) The State-Government may, if it considers necessary so to do, by order extend or modify from time to time the Period of supersession which shall in no case in aggregate exceed three years.

### **Consequences of supersession-**

42. (1) Notwithstanding anything contained in this Act or in any other law for the time being in force, with effect from the date of an order of supersession made under section 41—

(a) all the members of the Board and the Committees constituted under this Act and the President shall vacate their offices

(b) all the powers, duties and functions which, under the provisions of this Act or any rule or regulation made thereunder or of any other law for the time being in force, may be exercised or performed by the Board or any of the Committees or the President, shall be exercised or performed by an Administrator to be appointed by the State Government in this behalf

Provided that an Administrator appointed under this clause may delegate any of his powers, duties or functions to such person as he may think fit or to such body as may be constituted by him:

(c) the representatives of the Board on everybody, statutory or otherwise, shall vacate their respective offices as such representatives, and the Administrator may nominate such person or persons to represent the Board or that body as he may think fit.

(2) The State Government may, by an order published in the Official Gazette, cancel an order made under section 41 and re-establish the Board.

(3) On MC re-establishment of the Board under sub-section (3), the Administrator shall cease to exercise his powers and perform his duties.

(4) The terms and conditions of service of the Administrator shall be such as may be fixed by the State Government-by order made in this behalf.

### **Board to continue as a body corporate-**

43. For removal of doubts, it is hereby declared that an order of supersession made under Section-41 shall not effect or imply in any way the dissolution of the Board as a body corporate.

### **Re-establishment of the Board-**

44.(1) The State Government shall, by an order published in the Official Gazette, specify the date on which the Board is re-established in accordance with the provisions of sections 4.

(2) The State Government shall, by an order published in the Official Gazette, specify the dates by which the authorities (other than the State Government) shall elect or nominate members referred to in section 4. If such member or members are not elected or nominated, as the case may be, by the specified dates, the State Government shall appoint such member or members from amongst the persons qualified for such election or nomination, as the case may be.

(3) Until election of members referred to in section 4 is held, the State Government shall appoint such member or members from amongst the persons qualified for election under clause (k), (l) and (m) of section 4.

(4)(a) The members appointed under sub-section (2) shall hold office until nomination of members under section 4 is made.

(b) The members appointed under sub-section (3) shall hold office until election of members referred to in section 4 is held and the result of such election is published in the Official Gazette in this behalf.

### **Power to remove difficulties**

45. If any difficulty arises in giving effect to the provisions of this Act, the State Government may make such order or do such thing, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing the difficulty.

**West Bengal Act, XI of 2005**  
**WEST BENGAL BOARD OF MADHASAH EDUCATION**  
**(AMENDMENT) ACT, 2005**

The following Act of the West Bengal Legislature received the assent of the Government and was published in the Kolkata Gazette: Extraordinary, Part 11I, No. 754-L.. dated 25th May, 2005.

An Act to amend the West Bengal Board of Madrasah Education. Act., 1994.

**West Bengal Act, XXXIX of 1994**

Whereas it is expedient to amend the West Bengal Board of Madrasah Education' Act, 1994 for the purpose and in the manner hereinafter appearing

It is hereby enacted in the Fifty-sixth year of the Republic of India. by the Legislature of West Bengal. as follows

**1. Short title and commencement—**(1) This Act may be called the West Bengal Board of Madrasah Education (Amendment) Act, 2005.

(2) It shall come into force at once.

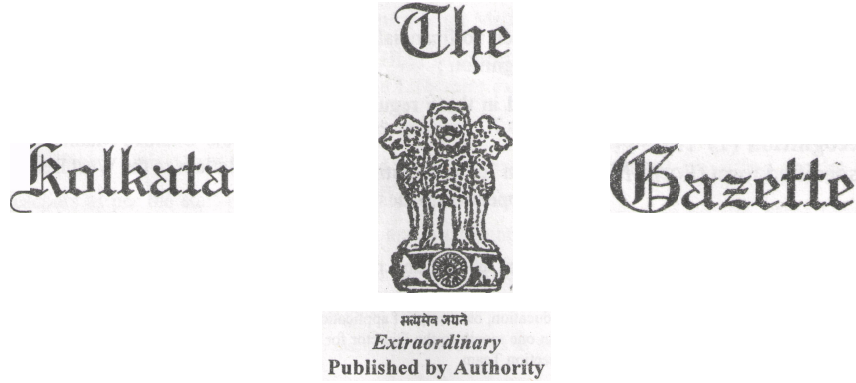
**2. Amendment of section 20 of West Ben. Act, XXX IX of 1994.—**After clause

(m) of sub-section(2) of section 20 of the West Bengal Board of Madrasah Education Act, 1994,

the following clauses shall be inserted :

"(mm) to make regulations relating to conduct and discipline in respect of teachers and non-teaching staff of the recognised Institutions under the Board

(mmm) to make regulations determining the qualification for, and the method of, recruitment of teachers in class 1 to class IV of the Senior Madrasah."



PHALGUNA 10 ]

TUESDAY, MARCH 01, 2011

[SAKA 1932]

**PART 1** – Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

**WEST BENGAL BOARD OF MADRASAH EDUCATION  
(Modified up to the year 2012)**

**NOTIFICATION**

No.5050. – 22nd February 2011. – In exercise of the power conferred by sub-section (3), read with clause (a) of sub-section (2), of section 20 of the West Bengal Board of Madrasah Education, Act, 1994 (West Ben. Act, XXXIX of 1994) the West Bengal Board of Madrasah Education, with the approval of State Government as required under sub - section (4) of section 20 of the said Act makes the following regulations, namely :-

**Regulations**

1. **Short title, commencement, scope and extent** : (1) These regulations may be called the West Bengal Board of Madrasah Education (Recognition of unaided Madrasahs) Regulations, 2010.
  - (2) These regulations shall come into force on the date of the notification in the Official Gazette.
  - (3) These regulations shall be applicable to institution seeking recognition as unaided Junior High Madrasah, High Madrasah and Senior Madrasah in the State of West Bengal.
2. **Definitions** : (1) In these regulations, unless the context otherwise requires, -
  - (a) 'Act' means the West Bengal Board of Madrasah Education Act, 1994; (West Ben. Act, XXXIX of 1994)
  - (b) 'Authority' means the person or the Body of persons for the time being entrusted with the management of the affairs of the Institution and includes the Managing Committee;
  - (c) 'Director' means the Director of Madrasah Education, West Bengal;
  - (d) 'District Inspector of Schools' means the District Inspector of Schools (Secondary Education) exercising jurisdiction in respect of the Institution;
  - (e) 'District Level Madrasah Inspection Team' means the District Level Madrasah Inspection Team constituted under regulation 5 of these regulations;
  - (f) 'District Minority Officer' means and includes the District Minority Officer or Officer-in-charge of Minority Cell of the concerned District;
  - (g) 'Form' means the Form appended to these regulations;
  - (h) 'State Government' means the Government of West Bengal in the Minority Affairs and Madrasah Education Department;
  - (i) 'Private Madrasah' means a Madrasah established, managed and maintained by a Trust/Society/ NGO or an individual at their own cost;



- (j) 'Unaided Madrasah' means the Madrasah to which no financial assistance shall be given or sanctioned by the State Government after it has been granted recognized;
- (2) The words and expressions used but not defined in these regulations and defined in the Act shall have the same meanings as assigned to them in the Act.

**3. Application for recognition** (1) The application for recognition of the Unaided Madrasah shall be made by the respective Authority in the specified form (Form No.1) appended to these regulations to the West Bengal Board of Madrasah Education.

- (2) The application under sub-regulation (1) does not confer any right for inspection or recognition.
- (3) The West Bengal Board of Madrasah Education, on receipt of applications for recognition under sub-regulation (1), shall after scrutiny make recommendation within one month to the Director for taking decision regarding inspection of the Madrasahs by the District Level Madrasah Inspection Team.
- (4) On receipt of the recommendation of the Board under sub-regulation(3), the Director shall decide and give instruction to the District Inspector of Schools or the District Minority Officer concern to make necessary arrangement for inspection of the Madrasahs by the District Level Madrasah Inspection Team and submission of report thereof.

**4 Inspection of Madrasah :** (1)No Unrecognized Madrasah shall be inspected for the purpose of recognition unless it is instructed by the Director.

- (2) There shall be a District Level Madrasah Inspection Team in each District for the purpose of Inspection of institution(s) seeking recognition as unaided madrasah.
- (3) The District Level Madrasah Inspection Team shall inspect the Madrasah in accordance with the instruction issued by the Director.
- (4) At the time of inspection, the District Level Madrasah Inspection Team shall verify how far the Authority has fulfilled the following conditions:-  
Whether the unrecognized institution seeking recognition as unaided madrasah –
  - \*(a) is located in a relatively conducive environment;
  - (b) has sufficient land with building and open space;
  - (c) has the building usable in all weathers;
  - (d) has at least 120 students in four class Junior High Madrasah and 200 in case of Senior / High Madrasah;
  - (e) has qualified teachers and non-teaching staff as per existing staff pattern;
  - (f) has been following the curricula and syllabi of the West Bengal Board of Madrasah Education;
  - (g) has a play ground of its own or arrangement for the same in the near distance for sports and games of the learners;
  - \*(h) has communication facilities;
  - (i) has class room space not less than 400 square feet each;
  - (j) has separate lavatory for the girls, boys and teachers;
  - (k) has safe drinking water facility;
  - (l) has a girls common room, if it is a girls' or co-education system;
  - \*(m) has an office-cum- store-cum-Headmaster/Headmistress/Superintendent room;
  - (n) has a teachers room;
  - (o) has adequate furniture;
  - \*(p) has teaching-learning appliances as required;
  - (q) has reserve fund of at least three thousand rupees;
  - \*(r) has a library with books on all subjects including story books, newspapers, magazine etc.;
  - (s) has students admission procedure and fees structure, if any, duly published by the Authority;

- \* (t) has a selection committee, duly constituted by the Managing Committee, for recruiting teachers and non-teaching staff as per the existing staff pattern and qualification specified by the State Government;
  - \* (u) has recruited teachers as per the staff pattern and qualification specified by the State Government;
  - \* (v) has a Managing Committee duly constituted as per the Memorandum of Association or in the manner as prescribed under the Management of recognized Non-Government Madrasah (Aided and Unaided) Rules, 2002;
  - \* (w) will follow the provisions relating to disciplinary proceedings as followed by recognized non-government aided Madrasahs;
  - (x) has provisions for contributory provident fund and gratuity to the teaching and non-teaching staff or agreed to maintain the same, if recognised;
  - (y) has agreed not to enhance fees structure for the students, if any, without prior permission of the State Government;
  - \* (z) has sufficient fire safety equipments or agreed to arrange for the same, if recognized ;
- (5) The District Level Madrasah Inspection Team shall also consider the need and viability of the unrecognized Madrasah in question.
  - (6) The Inspection and the report thereof shall not confer any right of recognition to the Unaided Madrasah seeking recognition.
  - (7) If any member is absent on the date of inspection of the Madrasah(s), other members of the District Level Madrasah Inspection Team shall proceed with inspection of the Madrasah(s).

**5. District Level Madrasah Inspection Team :**

- (1) District Level Madrasah Inspection Team shall consist of the following persons :-
  - (a) District Inspector of Schools (Secondary Education) or District Minority Officer of the concerned district, convener ;
  - (b) a nominee of the West Bengal Board of Madrasah Education; member
  - (c) a nominee of the Director, member.
- (2) It shall be the duty of the District Level Madrasah Inspection Team to inspect the applicant Madrasah as instructed by the Director and submit inspection report in the prescribed form duly filled in within a fortnight. If the Team fails to do so within the stipulated period, the District Inspector of Schools or District Minority Officer, shall send the report with his comment.
- (3) The Team may or may not recommend for recognition of the Madrasah concerned. In case of recommendation or non-recommendation the reasons thereof must be stated specifically.

**6. Preparation, examination and submission of Inspection Report:**

- (1) Immediately after completion of the inspection, the District Level Madrasah Inspection Team shall prepare a report in Form 2 appended to these regulations for onward transmission of the same to the Director.  
 Provided that if any member is absent on the date of inspection of the applicant Madrasah, the District Inspector of School or District Minority Officer, shall keep the report in his office and fix a date for examination of such report by the member of the District Level Madrasah Inspection Team, who was absent during the inspection and if such member fails to inspect such report on the date fixed for the purpose, the District Inspector of Schools or District Minority Officer shall not wait further but forward the report to the Director.

- (2) The Director shall examine the inspection report and enclosures as may be forwarded by the District Inspector of Schools or District Minority Officer and forward the same to the State Government for issuance of necessary direction on the matter. The State Government there after forward the report to the Board with the necessary direction therein.
- (3) The Recognition Committee constituted under section 8 of the Act shall verify the report received under sub-regulation (2) and if it is not satisfied with the report, may, notwithstanding anything contained in regulation 4, make recommendation to the Director for further inspection of the applicant Madrasah seeking recognition with reference to the child population of the catchments area, number of students of the nearest Madrasahs, number of students of the present Madrasah under inspection, number of teachers, general infrastructure, need and prospect of the Madrasah or any other criteria, which is considered necessary for the purpose.

**7. Recognition of Madrasah :**

- (1) The West Bengal Board of Madrasah Education shall recognize only those applicant Madrasah(s), which are already approved by the Recognition Committee. The Board may refuse recognition, given reason(s) of refusal, to any applicant Madrasah(s), with prior permission of the State Government.

**8. Grant of Provisional Recognition :**

- (1) The Board may issue an order granting provisional recognition to the Madrasah for a period of three years subject to fulfillment of certain conditions as may be specified by the Board.
- (2) At the expiry of the period of provisional recognition, the Managing Committee of the Madrasah may apply for extension of the period of provisional recognition for a further period of three years and if the Board consider it necessary so to do, it may, by an order and for the reasons to be recorded in writing, extend the period of provisional recognition for a further period of three years.

**9. Cost for inspection and recognition :** The Authority shall pay such cost for inspection of the applicant Madrasah(s) to the State Government, as may be specified by the Government.

**10. Assistance of Staff:** The District Level Madrasah Inspection Team may take assistance of staff of the concerned office of the District Inspector of Schools or District Minority Officer of the concerned district for the purpose specified under these regulations.

**FORM 1**

[ See regulation 3(1) ]

Proforma of application form for recognition of an Unaided Madrasah

(Please type or write legibly)

**PART I**

**GENERAL PARTICULARS**

- (1) Name of the institution :
- (2) Year of foundation :
- (3) Name of the Trust / Foundation / Society running the institution :
- (4) Does the Trust / Foundation / Society belonging to a religious body or Minority Community? If so, give details :
- (5) Whether the Trust / Foundation / Society is registered, if so, Registration Number and name of the Act under which Registered. Copy of registration certificate alongwith copy of last renewal should be enclosed. In case of Trust copy of deed of Trust should be enclosed. :
- (6) If so, attach a copy of Memorandum of Association and Constitution of the Trust / Foundation / Society alongwith the list of members with their father's name, their occupation and complete official address and the relationship amongst them. :  
Note : The Constitution of the Trust / Foundation /Society running the Institution should be such that it does not vest control in a single individual or members of the same family.
- \* (7) Whether the Institution has a properly constituted Managing Committee duly formed by invoking relevant provisions of Memorandum of Association and / or in accordance with the Management of recognized Non-Government Madrasah (Aided and Unaided) Rules, 2002. :
- (8) Whether the Institution seeking recognition shall abide by the Regulation. :

## PART II

### ***PARTICULARS OF INSTITUTION***

- (1) Exact location of Institution :-
  - (a) Postal Address :
  - \*(b) PIN Code :
  - (c) Telephone Number and Fax Number, if any :
  - (d) Name of the Nearest Railway Station :
  - (e) Distance from Railway station :(Note : Please attach a road map of the area showing location of the Institution if there are difficulties to get to it)
- \*(2) Is the Institution for boys/girls/coeducational :
- (3) Instructional hours :
- (4) Duration of Summer Vacation, Puja Vacation and Winter Vacation with approximate dates :
- (5) Medium of instruction :
- (6) Whether admission in the Institution is open to all without any discrimination based on religion, caste, creed or race.:
- \*(7) Omitted
- (8) What curriculum and syllabus are followed in each class :
- (9) Whether the Institution is Financially capable of running with its own resources :
- (10) Specify how the Institution is financed. :

## PART III

### ***PARTICULARS RELATING TO AFFILIATION TO ANY OTHER BOARD OR UNIVERSITY***

- (1) Whether the Institution has been previously affiliated for examination to any Board / University; if yes :-
  - (a) Name(s) of the Board / University to which the Institution is affiliated :
  - (b) Name(s) of the examination(s) for which such Institution is affiliated :
  - (c) Affiliation valid from :
- (2) Will the Institution discontinue its affiliation with a Board / University mentioned above if its recognized by the West Bengal Board of Madrasah Education :

## PART IV

### ***PARTICULARS RELATING TO ENROLMENT OF STUDENT AS ON THE DATE OF APPLICATION***

- (1) (a) Particulars of Class, section, number of enrolment etc, to be furnished in the table given below :

Class	Number of Section	Enrolment in Section	No. of boys and girls	Total Enrolment in Class	Remarks
I					
II					
III					
IV					
V					
VI					
VII					
VIII					
IX					
X					
Total					

(b) Dropout rate in each class (Use extra sheet where necessary) :

(C) Class results :

(2) Whether mother tongue of at least 50% students is other than Bengali (give numbers) :

(a) Total Students:

(b) Bengali speaking :

(C) Others :

(3) Schooling facility available in the locality within a radius of 2kms. in urban area and within 4kms. in rural areas. (Use extra sheet, if necessary) :

**Name of the Institution                      Distance from the proposed Institution**

(1)

(2)

(3)

### **PART V**

#### ***PARTICULARS RELATING TO SUBJECTS TAUGHT IN THE INSTITUTION***

1st language :

2nd language :

Arabic / Islam Parichay :

Mathematics :

Science :

Social Science :

Socially useful productive work and Community Service :

Health and Physical Education/Music/Dance/Painting :

Additional Subject, if any .....(optional)

### **PART VI**

#### ***PARTICULARS RELATING TO CAMPUS, BUILDING, CLASS-ROOMS ETC.***

(1) Location of Campus :

(a) District :

(b) Police Station :

(c) Mouza :

(d) Plot No. :

(e) Khatian No. :

(f) Area in decimal :

(2) Built up area (in sq. ft. in each floor), please enclose :

(a) Photography of the Institution building from various angles :

\* (b) Sanctioned copy of the site plan / building plan by the Municipal / Panchayat authority, if any :

(3) Proposal, if any, for extension of the existing campus and / or building :

\* (4) Is it owned, leased or rented? Registered Deed / Land Records of ownership, Registered lease Deed or rent receipt / contract is / are to be enclosed. If recognized, rent receipt etc., be made in the name of the Institution:

(5) Sanitary conditions : No. of Latrine and urinals (separately for boys and girls) :

(6) If the Institution is now housed on leased building, whether there is any possibility of acquiring its own land to construct building thereon within the period as may be specified by the Board :

(7) Drinking water facilities details of sources :

NB : the above \* marked regulation(s)/sub regulation(s) / clause(s) have been substituted/omitted(amended) as per notification no. 487 - 09<sup>th</sup> April 2012

(8) Common rooms (separately for boys / girls) :

(9) (a) No. of classrooms and approximate dimension (minimum 400sq.ft per classroom) :

(b) Is sufficient furniture of classroom available :

(c) Conditions of furniture proposed expenditure on furniture in next two years :

(d) Whether there is provision of laboratories :

## **PART VII**

### ***PARTICULARS RELATING TO TEACHING AND NON-TEACHING STAFF***

Use the proforma given below and use separate sheets. Attach statement of particulars of each member of the staff including the Headmaster/Headmistress.

(1) Name :

(2) Date of birth :

(3) Date of appointment in the Institution :

(4) Academic Qualifications :

(5) Other Qualifications :

(6) If holding a B.Ed. degree or its equivalent :

(7) If appointed as Trained Graduate Teacher / Post Graduate Teacher :

(8) Pay scale with present pay, allowances and gross salary per month :

(9) Teaching experience with details :

(10) Total number of teaching periods assigned per week :

\*(11) Indicate below the welfare schemes available for staff , if any:

(a) Provident Fund and rate of contribution by the Employer :

(b) Medical facilities :

(c) Gratuity :

(d) Any other benefits (specify) :

(e) Whether the Institution provides Service Rules, Leave Rules including Maternity Leave and other service conditions for all staff including teaching staff at par with other Institutions as recognized by the Board :

(f) Whether the Secretary of the Institution issued appointment letters to all staff in the manner as specified for other recognized Institution under the Board, and if so, give copy of each appointment letter, duly received by the staff concerned. :

## **PART VIII**

### ***MISCELLANEOUS PARTICULARS***

(1) Are there any staff quarters available in the Institution premises? If so, give details :

\*(2) Rate of fees charged and annual charges, if any. If so, please give details :

Class	Tuition fee per month (Rs.)	Other fees per month (Rs.)	Total of special fees, annual fees, Building fund etc. (Rs.)
I			
II			
III			
IV			
V			
VI			
VII			
VIII			
IX			
X			

NB : the above \* marked regulation(s)/sub regulation(s) / clause(s) have been substituted/omitted(amended) as per notification no. 487 - 09<sup>th</sup> April 2012



- (3) Scholarship / concessions :
- (4) Is there provision for scholarships / Free Studentships? Or other Financial help to poor and deserving students? : Yes No
- (5) If so, indicate :-
- (a) Number of student beneficiaries :
- (b) Annual amount spent : Rs.
- (6) Financial position of the Institution :
- \* (a) Details about the Reserve funds in the name of the Institution in any Nationalized Bank / Post Office as provided in regulation 4(4)(q) i.e., at least Rs.3,000/-
- (b) Please attach duly audited income- expenditure and receipt payment on account of the Institution for the year as also of the balance sheet (exclusive for the secondary section of the Institution) :
- (c) Whether the Institution has any arrangement for regular audit of its fund by a chartered accountant firm :
- (d) Whether professional tax is paid to the Tax authority. If so, current challan for payment of the same be attach herewith :
- (7) Specify the particulars of student classroom ratio :
- (8) Specify the particulars of student teacher ratio :
- (9) Specify whether the Institution building have more than one floor. If yes, whether separate staircase provided for entry to, and emergency exit from, the first floor onwards :
- \* (10) Whether sufficient fire safety equipments are installed or to be installed, if recognized :
- \* (11) Omitted :

### **PART IX**

Please enclosed the following documents and tick the list of enclosures :

- (1) Copy of memorandum of association of the society / deed of the Trust with receipt for registration duly attested by a Gazetted Officer:
- (2) Copy of resolution forming Managing Committee for the Institution with list of members etc. (of which two shall be secondary teachers) duly attested by a Gazetted Officer, powers and function of the Managing Committee of the Institution, duly delegated by CE of the Society by a resolution:
- \* (3) Copy of service rules / leave rules etc., if any, for the staff duly attested by a Gazetted Officer (as per regulation) :
- (4) Copy of appointment letters for all the staff duly issued by the Secretary of the Managing Committee and duly receipt by the staff, duly attested by a Gazetted Officer (as per regulation):.
- (5) Copy of the acquittance roll for all the staff for the last four months duly attested by the Secretary of the Authority.:
- \* (6) Copy of sanctioned building plan, if any, in each case whether owned or rented, duly attested by a Gazetted Officer.:
- (7) Certified copy of registered deed for purchase of land, etc. of the Institution.:
- (8) Copy of registered Lease Deed duly attested (if the Building / Land rented / leased ).:
- (9) Particulars regarding staff duly authenticated by the Secretary of the Authority of the Institution.:

NB : the above \* marked regulation(s)/sub regulation(s) / clause(s) have been substituted/omitted(amended) as per notification no. 487 - 09<sup>th</sup> April 2012

(10) Particulars regarding roll strength in secondary classes.:

\*(11) Particulars regarding Contributory Provident Fund, if any, and Professional Tax, if any, of the staff of the Institution:

\*(12) The audited statement of accounts of the Institution for the last year :

(13) Other documents (as are necessary in support of the statement).:

\*\* Note : Documents in respect of items Nos. (3), (6) and (11) may be submitted after recognition of the Madrasah but within 90 days from the date of such recognition.

#### DECLARATION

(1) All the particulars furnished above are true and correct.

(2) We undertake to abide by all rules, notifications, circulars and orders issued by the State Government or of the West Bengal Board of Madrasah Education, as the case may be, from time to time.

Countersigned :

Chairman of the Executive  
Committee of the Society or Institution

Signature of the Secretary of  
the Managing Committee

#### FORM 2

[ See regulation 6(1) ]

Inspection report for recognition of an Unaided Madrasah

[ Inspection report to be drawn up in quadruplicate – one copy to be retained by the District Inspector of School (Secondary Education), one copy each to be sent to the Director, the Madrasah Education Directorate, Department of Minority Affairs and Madrasah Education, Government of West Bengal and the Board simultaneously ]

Date of inspection \_\_\_\_\_

1. (1) Name of the Madrasah :

(2) Address: Village / House No. / Street / Road / Lane :

Post Office :

Gram Panchayat / Ward :

Panchayat Samiti / Municipality / notified Area Authority :

Police Station :

Sub – Division :

District :

2. Reports relating to medium of instructions, etc.

(1) Medium of Instruction :

(2) Present status :-

(a) Specify the class upto which recognition is sought :

(b) Whether Boys /Girls / Co-educational :

3. Report relating to management of the Madrasah :-

- (1) Whether the Madrasah is under the Authority. If so, date of last recognition specifying whether :  
reconstituted under normal rules or special rules.
- (2) Whether there are founder members in the Authority :
- (3) Particulars of the members of the Authority / a adhoc Committee:
- |             |                |                 |                       |
|-------------|----------------|-----------------|-----------------------|
| <u>Name</u> | <u>Address</u> | <u>Category</u> | <u>Office-bearers</u> |
|-------------|----------------|-----------------|-----------------------|

4. Report relating to land, building, location etc. :

- (1) Area :
- (2) Whether purchased by or gifted or leased to the Madrasah :
- (3) Registration No. and issue :
- (4) Mouza :
- (5) Settlement Book No. :
- (6) Plot No. :
- (7) Khatian No. :
- (8) Building :
- (9) Particulars of accommodation and other arrangements :
- (a) Rented (Kachha or Pucca) :
- or
- (b) Own building (Kachha or Pucca) :

Note : - Kachha building / house means any structure other than brick-built with Reinforced Concrete roof and Pucca building means a brick-built structure with Reinforced Concrete roof.

- (c) No. of class rooms and other rooms with measurement of :  
each room
- (d) Sanitary arrangement :
- (e) Drinking water facilities :
- (f) Electricity :
- (g) Particulars of
- (i) Furniture
- (ii) Teaching appliances
- (h) Library (Total number of books) :
- (i) Whether Stock Register is maintained
- (ii) Person in charge of Library
- (iii) Number of Books issued in the last –  
academic year to
- (A) Students
- (B) Teachers

5. Report relating to class-wise roll strength of the Madrasah for three consecutive academic years including the current academic year as per attendance registers :

- |     |                    |       |                    |       |
|-----|--------------------|-------|--------------------|-------|
| (1) | Boys               | Total | Girls              | Total |
|     | General + Schedule |       | General + Schedule |       |
|     | Caste + Schedule   |       | Caste + Schedule   |       |
|     | Tribe              |       | Tribe              |       |

- (2) Number of students present at the date of :  
inspection
- |      |       |       |
|------|-------|-------|
| Boys | Girls | Total |
|------|-------|-------|

6. Whether 80% of the total number of students of class V, VI, VII and VIII (Classes I to VIII for Senior Madrasah) promoted to the next higher classes respectively alongwith at least 40% of marks in aggregate in the last 3 years (report to be submitted in the table below) :-

**FOR JUNIOR HIGH MADRASAH**

Class	Total No. of students	No. of student securing 40% and above marks in aggregate	% of total number of promoted students	Remarks
V				
VI				
VII				
VIII				

**FOR SENIOR MADRASAH**

Class	Total No. of students	No. of student securing 40% and above marks in aggregate	% of total number of promoted students	Remarks
I				
II				
III				
IV				
V				
VI				
VII				
VIII				
IX				
X				

**FOR HIGH MADRASAH**

Class	Total No. of students	No. of student securing 40% and above marks in aggregate	% of total number of promoted students	Remarks
V				
VI				
VII				
VIII				
IX				
X				

7. (a) Report relating to the rate of Madrasah leaving and / or drop out of students in any cohort goes beyond 0% of the students enrolled in class V of the same cohort :-

Year for example	Class V	Class VI	Class VII	Class VIII	Class IX	Class X	% of drop out leaving the Madrasah
2001							
2002							
2003							
2004							
2005							
2006							
2007							
2008							

7.(b) Year for example	Class I	Class II	Class III	Class IV	Class V	Class VI	Class VII	Class VIII	Class IX	Class X
2001										
2002										
2003										
2004										
2005										
2006										
2007										
2008										

**\* 8. Omitted**

9. Report, whether the following activities at the Madrasah level are observed :
- (1) Guardian’s meet 3 times a year : Yes / No
  - (2) Annual examination with 4 terminal Tests : Yes / No
  - \* (3) Omitted : Yes / No
  - \* (4) Omitted : Yes / No
  - \* (5) Omitted : Yes / No
  - (6) Use of Teaching-Learning Materials at the time of classroom transaction : Yes / No
  - \* (7) Omitted : Yes / No
  - (8) Utilization of library books for enhancing skills and reading habit of the students : Yes / No
  - (9) 90% of the total students attending 80% of the transactional days : Yes / No
  - (10) Innovative measures taken to improve the performance of the Madrasah in relation to - : Yes / No
    - (a) Access, enrollment, retention and quality

10. (1) Report relating to all the approved teaching and non-teaching staff :
- | Name with Designation | Qualifications | Date of appointment | No. and date of resolution of MC for such approximate. |
|-----------------------|----------------|---------------------|--|
|                       |                |                     |  |

- (2) Report on student teacher ratio :

11. Distance of the Madrasah by the shortest route from the nearest recognized Junior High Madrasah / High Madrasah/ Senior Madrasah with names and addresses :
- |         | <u>Distance</u> |
|---------|-----------------|
| North – |                 |
| South – |                 |
| East –  |                 |
| West –  |                 |

- 12.** Particulars of feeder Madrasahs (Primary / Junior High Madrasah) with names
- (1) Name of the Madrasahs/Schools
  - (2) Total intake capacity
  - (3) Distance
- 13.** Examine and report whether the books other than those published by the Madrasah Board and approved by it have been prescribed for the students :
- 14.** Particulars with respect to fulfillment of following conditions for co-education must be verified and reported against each of them –
- (a) Appointment of a lady teacher –
  - (b) Appointment of a lady non-teaching staff, if any –
  - (c) Girl's common room –
  - (d) Separate sanitary arrangements –
  - (e) Class wise number of girl students –

Note : For recognized Boy's Junior High Madrasah having co-education, there must be one lady teacher and one lady non-teaching staff. If there are no such incumbents among approved and unapproved staff, such post shall be kept vacant for recruitment of such lady staff as per normal procedure.

(GIYASUDDIN SIDDIQUE)  
President to the West Bengal Board of Madrasah Education



## NOTIFICATION

No. 487 - 09<sup>th</sup> April 2012 – In exercise of the power conferred by sub-section (3), read with clause (a) of sub-section (2), of section 20 of the West Bengal Board of Madrasah Education Act, 1994 (West Bengal Act, XXXIX of 1994), the West Bengal Board of Madrasah Education, with the approval of State Government as required under sub-section (4) of section 20 of the said Act, is pleased to make the following amendments in the West Bengal Board of Madrasah Education (Recognition of Unaided Madrasahs) Regulations 2010 :

### [ Amendments ]

In the said regulations,

(1) In regulation (4),-

- (i) for clause (a), substitute the following clause :–  
‘(a) is located in a relatively conducive environment;’
- (ii) for clause (h), substitute the following clause :–  
‘(h) has communication facilities;’
- (iii) for clause (m), substitute the following clause :–  
‘(m) has an office-cum- store-cum- Headmaster/  
Headmistress / Superintendent room;’
- (iv) for clause (p), substitute the following clause: –  
‘(p) has teaching-learning appliances as required;’
- (v) for clause (r) , substitute the following clause :–  
‘(r) has a library with books on all subjects including story  
books, newspapers, magazine etc.;’
- (vi) for clause (t) , substitute the following clause :–  
‘(t) has a selection committee, duly constituted by the  
Managing Committee, for recruiting teachers and non-  
teaching staff as per the existing staff pattern and  
qualification specified by the State Government;’
- (vii) in clause (u), for the words ‘recruited teachers’ substitute the words  
‘has recruited teachers’
- (viii) for clause (v), substitute the following Clause :–  
‘(v) has a Managing Committee duly constituted as per the  
Memorandum of Association or in the manner as  
prescribed under the Management of recognized Non-  
Government Madrasah (Aided and Unaided) Rules, 2002;’
- (ix) in clause (w), for the words ‘follow the provisions’ substitute the words  
‘will follow the provisions’
- (x) for clause (z), substitute the following clause :–  
‘(z) has sufficient fire safety equipments or agreed to arrange  
for the same, if recognized.’;

- (2) in Form I ,-
- (a) in item (7) of **Part I** for number '2001' substitute the number '2002' ;
  - (b) in Part II, -
    - (i) for sub item (b) of item (1) substitute the following items :-
      - (b) 'PIN Code' ;
    - (ii) in item (2), for the words 'institution is' substitute the words 'institution';
    - (iii) omit item (7) ;
- (3) in Part VI ,-
- (i) in item (2), in sub – item (b), after the word 'Panchayet Authority' insert the words ' if any' ;
  - (ii) for item (4), substitute the following item : –
 

'(4) Is it owned, leased or rented ? Registered Deed / Land Records of ownership, Registered lease Deed or rent receipt / contracts is / are to be enclosed. If recognized, rent receipt etc., be made in the name of the Institution'.
- (4) in Part VII, in item (11) after the words 'for staff' insert the words ' if any' ;
- (5) in Part VIII, -
- (i) in item (2), after the words ' annual charges' insert the words ' if any. If so, please give details' ;
  - (ii) for sub- item (a) of item (6), substitute the following sub item :-
 

'(a) Details about the Reserve funds in the name of the Institution in any Nationalized Bank / Post Office as provided in regulation 4(4)(q) i.e., at least Rs.3,000/- ' ;
  - (iii) in item (10) , after the words 'are installed' insert the words 'or to be installed, if recognized' ;
  - (iv) omit item (11)
- (6) in Part IX , -
- (i) for item (3) , substitute the following item:-
 

'(3) Copy of service rules / leave rules etc., if any, for the staff duly attested by a Gazetted Officer ' ;
  - (ii) in item (6) , after the words 'building plan' insert the words 'if any';
  - (iii) for item (11) , substitute the following item :-
 

'(11) Particulars regarding Contributory Provident Fund, if any, and Professional Tax , if any , of the staff of the Institution' , ;
  - (iv) for item (12), substitute the following item :-
 

'(12) the audited statement of accounts of the Institution for the last year' ;
  - (v) after item (13 ) , add the following note :-
 

'Note,- Documents in respect of items Nos. (3), (6) and (11) may be submitted after recognition of the Madrasah but within 90 days from the date of such recognition' ;

- (7) in Form 2,-  
(i) omit item 8  
(ii) in item **9**,-  
(a) omit sub-items (3),(4),(5) and (7)

By Order of the Board ,

(GIYASUDDIN SIDDIQUE)  
President to the West Bengal Board of Madrasah Education